

HAMPTON PLANNING BOARD – MINUTES
December 20, 2006 – 7:00 PM

PRESENT: Tracy Emerick, Chair
Fran McMahon, Alternate
Keith Lessard
Tom Higgins
Tom Gillick
Ken Sakurai, Clerk
Bill Faulkner, Alternate
Donna Mercer, Alternate
James Steffen, Town Planner
Glenn Greenwood, Rockingham Planning

ABSENT: Robert Viviano, Vice-Chair
Jim Workman, Selectman Member

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. He then led the Pledge of Allegiance to the flag.

Mr. Sakurai made a statement regarding his return to the Board.

I. PUBLIC HEARING - Proposed Zoning Ordinance Amendments

Mr. Steffen explained the handouts provided. Chairman Emerick explained that these were proposed amendments only that are subject to change or deletion. Glenn Greenwood opened the discussion of the proposed Zoning Ordinance amendments.

Amendment #1 - The first change to be addressed is the definition of a hotel. It is intended to better define what constitutes a hotel room. It also defines the types of ownership of hotels.

BOARD

Board members commented that limiting hotels with respect to microwave ovens discriminates between older hotels and new hotels.

PUBLIC

Judy Preston asked why permanent residence is proposed to not be allowed in hotels. Chairman Emerick explained that this was to prevent circumvention of the School Impact Fee. Ms. Preston indicated her disagreement with this limitation.

Daniel Traficante asked about the wording available this evening as opposed to what was posted on the Internet. Mr. Steffen explained that the changes posted on the Internet were reformatted into amendments. Mr. Traficante then indicated his objection to the parking requirements for hotels based on square footage. He noted that since the proposed changes have been posted, they are currently law for the time being.

Michael Scanlon, J Street, referred to a developer who is currently building whose project does not meet proposed zoning requirements.

Arthur Moody, 3 Thomsen Road, stated he did not have a copy of the proposed changes. A copy was provided to him.

MOVED by Mr. Lessard to include a microwave in the definition of a hotel.

SECOND by Mr. Higgins

VOTE: 7-0-0

MOTION PASSED

Amendment #2 - Mr. Greenwood then described the second proposed change. This is to change the designation of the "Business Seasonal" zone to "Beach Resort", "Beach Commercial" and "Beach Residence - C". He indicated that the Beach Resort zone would have changes in the uses in Article III. With respect to the Beach Commercial and Beach Residence - C zone designations there will be no Use or Dimensional changes from the current requirements. He indicated that the "Residence B" zone at the beach would become "Beach Residence - A". At this time, there are no Use or Dimensional changes for this re-designated zone. Chairman Emerick added that there would also be a designation of State for the State Park land.

Mr. Greenwood then described the changes on a map. He indicated that the State Park land was previously zoned General, which is inappropriate for State owned property. He indicated that the Beach Resort designation and Use and Dimensional changes are intended to encourage a higher density, specifically focused on hotel use.

BOARD

There was a discussion of interior lots within the re-designated zones.

PUBLIC

Judy Preston, 25 Tuttle Avenue, asked if the proposed Residence C area is extended with the re-designation. Mr. Steffen indicated the area she was questioning would be changed from Business Seasonal to Beach Residence - C. She then expressed her concern that commercial space and business opportunities will be lost with this re-designation.

Fred Rice, 15 Heather Lane, Chairman of Hampton Beach Area Commission, stated the Hampton Beach Area Commission's recommendations were intended to implement the Master Plan and to be a compromise between conflicting needs and desires. He stated that one intent was to reduce the number of variances that needed to be applied for to redevelop property at the beach. He stated it is intended to protect some of the residential areas while allowing for commercial activity.

Daniel Traficante asked how deep the new designations would go behind Ocean Boulevard and Ashworth Avenue. The designations will be one lot deep. It was reinforced that the Use and Dimensional requirements will not change in any zones except for Beach Resort. He indicated he was in favor of a higher height limit further down Ocean Boulevard. He felt this would promote growth. He then asked if extra parking spaces could be designated for certain hotel configurations.

Mike Scanlon, 4 J Street, described the dwellings currently present on Epping Avenue. He indicated that he felt the re-designations are regressive rather than progressive. He

believes that all of Ocean Boulevard from Ashworth Avenue to the bridge should have the same designation. He then discussed shadowing. He described time/date shadowing of existing 70-foot properties. He felt shadowing will be an issue with the increased height allowance. He indicated that in his opinion, the zoning changes do not conform to the Master Plan.

Geannina Guzman-Scanlon, 4 J Street, stated she wanted to address the Beach Resort designation. She objects to the limited area to acquire the Beach Resort designation. She does not believe that the designation changes satisfy the intent of encouraging commercial space and anchor attractions. She proposed a Beach Commercial designation for the entire Ocean Boulevard-Ashworth Avenue corridor or, alternatively for all of the current Beach Seasonal zone. She stated that nowhere in the changes is the Town's intent made known. She added that there also should be protection of pervious surface. The existing 85% impervious surface limit is excessively generous, in her opinion. With respect to parking, she stated she is concerned about the proposed parking restrictions, since parking is a problem today and property owners should not be overburdened.

Arthur Moody, Thomsen Road, asked if there were any petitioned zoning amendments. There were not. He stated he believed that the zoning map would become very confusing with the addition of seven new designations. He felt this was fractionalizing the beach. He asked what the North Beach Business Seasonal zone would change to. That would become Beach Commercial. He indicated that the main beach is a sand barrier beach. He feels an increase in height is too much.

John Gebhart, 4 Bailey Avenue, addressed the new height restriction. He asked about fire protection needs with these taller buildings. He indicated opposition to the increased height. He then felt that the first floor commercial space requirement with a 20-foot setback is a disincentive to commercial space. He also indicated that he believed elected officials and not appointees should do architectural review.

Linda Gebhart, 4 Bailey Avenue, indicated her property is in a G zone. She asked if that would remain the same. Mr. Steffen indicated that all properties that are not State-owned that were in the General zone would become Beach Commercial. She indicated her objection to the 85-foot height limit and zero setbacks do not meet objectives as stated in the Master Plan. She indicated that Hampton's building has been voracious and this appears to be perpetuated by the proposed zoning changes. She indicated that with a zero-setback, people would have only one ingress/egress. Chairman Emerick described the problems with a four-foot setback. She stated that she believes the increase in impervious surface would increase drainage problems and believes it will not meet the requirements of the Clean Water Act.

Dan Traficante asked if the purpose of the changes was to promote more year-round housing or to promote more beach use. He believes it promotes more year-round housing only. He described a scenario where a viable development could not be undertaken with the setback, commercial space requirement and parking requirements proposed.

There was Board discussion of the 35-foot commercial first-floor space requirement. Mr. Traficante indicated it would not be economically feasible to build anything with these requirements. He felt that the proposed changes make it too hard for resort development and easier for residential development. He noted that a height limit in excess of 50 feet was previously defeated at the polls.

Mike Scanlon, 4 J Street, indicated he objected to the 85-foot maximum height limit. He felt that a 65-foot height maximum is adequate.

Tom McGuirk, 95 Ocean Boulevard, indicated that on-site parking is not required for new construction, just for conversions.

Fred Rice, Hampton Beach Area Commission, talked about the conflicting desires of residents and business people at the beach. He reiterated that the Hampton Beach Area Commission was trying to find a middle ground to reduce the need for variances.

There was discussion of the logistics of commercial space in the Beach Resort zone for trapped/interior lots. There was also discussion of the Ocean Boulevard lots in the Beach Commercial zone, where lots cannot get access to their parking with the commercial space requirement.

Arthur Moody stated the proposed changes were not worded adequately to be legal. The Chair indicated that the Planner had stated at the outset that verbiage was to be added.

BOARD

Mr. Lessard reviewed the various issues that had been raised by the public. He discussed State involvement in the various activities that have taken place at the beach. He noted that he has personally tried to prevent shadowing on the beach that would result from change/development. He commented that commercial establishments are allowed on the letter streets. He indicated that there are tradeoffs in getting landscaping/streetscaping aspects at the beach.

Mr. Steffen then went through the proposed changes to Article II, including height and setback limits. There was a question about the setbacks on the letter streets in the Beach Resort district. This needs to be clarified. The Board went through modifications to the proposed language of the amendments, incorporating changes warranted based on discussion to this point.

Mr. Sakurai asked if a rendering could be done to demonstrate shadowing at an 85-foot height. Mr. Greenwood indicated they had tried but were not able to do it.

It was determined by the Board that the first-floor commercial space requirement be eliminated from the Beach Commercial district south of F Street. It failed in last year's Town Ballot.

Mr. Steffen then described the proposals for Article III and Article IV. There was discussion of the proposed new zoning designations.

Mr. Gillick asked Mr. Greenwood if it was possible to come up with definitions for the new zoning designations. It is. Mr. Gillick stated he felt it was necessary to do this, as well as stating the purpose of each designation change.

PUBLIC

Fred Rice described Hampton Beach Area Commission's intent for having all of the new zoning districts. He said the identities used could be translated into a definition for each district. He distributed a handout to the Board and then described a shadowing scenario.

There was a discussion of height in terms of the shadowing. He asked for the shadowing restriction to be dropped back to 5:00 PM. Mr. Higgins stated the beach is well used after 5 PM until dusk.

Mike Scanlon stated a definition of mixed-use is needed because of the impact on parking requirements.

Arthur Moody asked about people walking in the shade on the boardwalk.

Geannina Scanlon referred to point 6.18. She said everything proposed is mixed-use. She is concerned that the proposal is less restrictive in the Beach Resort area than in other areas. She expressed concern about changing zoning designations to terms that encourage residential areas where commercial activity needs to be encouraged.

Chairman Emerick announced that the public hearing on the zoning amendments would be ended at 9:45. At that point the Attending-to-be-Held applications will be heard. No other applications will be heard at this meeting. The Continued Applications on the agenda will be heard first at the January 3, 2007 Planning Board meeting.

PUBLIC HEARINGS CONTINUED TO JANUARY 3, 2007

- 6-90) Kevin O'Donnell
6-Lot Residential Subdivision at
89 Woodland Road
Map 130 Lot 8
Owner of Record: Fred C. & Carol J. Sherburne
JURISDICTION ACCEPTED: November 1, 2006

- 6-91) Kevin O'Donnell
Wetlands Impact Special Permit for a temporary work zone and
grading at
89 Woodland Road
Map 130 Lot 8

Owner of Record: Fred C. & Carol J. Sherburne

- 6-92) Brothers North LLC
Site Plan Review to construct 8 retail spaces and a 200-seat restaurant
at 845 Lafayette Road
Map 90 Lot 31
Owner of Record: BJ Realty Trust, John & Bette Lessard, Trustees
JURISDICTION ACCEPTED: November 1, 2006
- 6-75) Atlantic Breeze Suites LLC
Site Plan Review to construct 15 condo hotel units at
429 Ocean Boulevard
Map 265 Lot 18
Owner of Record: Henry J & Lucille Archambault, Trustees
JURISDICTION ACCEPTED: 9/6/06
- 6-63) Jack Murray
Site Plan Review for 5-Unit Condominium at
56 Drakeside Road
Map 188 Lot 7
Owner of Record: Pobama Trust
JURISDICTION ACCEPTED: July 5, 2006
CONTINUATION ACCEPTED: November 1, 2006
- 6-71) Jack Murray
Wetlands Impact Special Permit to construct 5-Unit Condominium at
56 Drakeside Road
Map 188 Lot 7
Owner of Record: Pobama Trust
- 6-87) Thomas G Burness
2-lot Subdivision at
31 Park Avenue
Map 190 Lot 12
Waivers Requested: Sub Regs Sections V.E.5, V.E.7, V.E.9 & V.E.14
Owner of Record: Thomas G Burness
JURISDICTION ACCEPTED: November 1, 2006
- 6-88) Thomas G Burness
Wetlands Impact Special Permit to extend driveway at
31 Park Avenue
Map 190 Lot 12
Owner of Record: Thomas G Burness

Mr. Greenwood then described the changes to Article III – Use Regulation.

BOARD

No questions

PUBLIC

Arthur Moody spoke to Article 3.24. He wants “to the public” stricken from this item. He stated that it was never the intent to have the type of organizations that are open to the public in residential zones. He recommended a “NO” vote be taken tonight on the changes.

There was discussion of the timetable for the ballot.

Geannina Scanlon asked about the format of the Article III tables.

Mr. Greenwood described Amendment #4. This proposal allows for professional offices in the newly designated Professional/Office Residential zone.

BOARD

There was discussion of the definition of this zone.

PUBLIC

Fred Rice asked how this would impact the municipal facilities plan being worked on. It will not.

Arthur Moody expressed his objections to the change of this district because of the new uses to be allowed. He also objects to decreasing the minimum lot size.

Fred Rice expressed his objection to the change of this district. He noted the historic buildings in the neighborhood.

“Grocery store” is to be deleted from the wording.

Chairman Emerick announced that Amendments 5, 6, 7 and 8 will go forward as constituted and will be voted up or down at the next meeting. Mr. Steffen described the change to definitions to add a definition of “stacked parking”. He asked for the Board’s opinion on this. The Board agreed with the change as written.

II. ATTENDING TO BE HEARD

- 6-99) Leonard & Carolyn Paul
Change of use from cigar shop/vacant to Bakery/coffee shop at
23 Ocean Boulevard
Map 296 Lot 65

Owner of Record: Owen Carter

Mr. Paul presented his application.

MOVED By Mr. Gillick to grant the Change of Use at 23 Ocean Boulevard, Map 296, Lot 65 from a cigar shop to a bakery/coffee shop.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

6-100) Kenneth Toy
Change of use from accounting office to office & Yoga studio at
725 Lafayette Road
Map 108 Lot 57
Owner of Record: Robert Harrold

Mr. Toy presented his application.

MOVED By Mr. Gillick to grant the Change of Use at 725 Lafayette Road, Map 108, Lot 57 from an accounting office to an office and yoga studio.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

III. CONSIDERATION OF MINUTES of December 6, 2006

Minutes to be considered at the next Planning Board meeting.

MOVED by Mr. Gillick to adjourn.

SECOND by Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 9:54 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Administrative Assistant